



Atty Docket No: 28331.010200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Clement W. BOWMAN

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Group Art Unit: 2166

Serial No.: 09/240,053

:

Examiner: Kalinowski

Filed: January 29, 1999

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For: COMPUTERIZED PROCESS FOR MEASURING THE VALUE OR
PERFORMANCE OF AN ORGANIZATION OR INTANGIBLE ASSET

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GROUP 3600

DECLARATION OF DR. PETER MORAND UNDER 37 C.F.R. SECTION 1.132

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

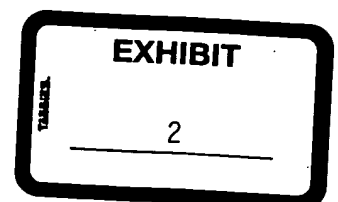
SIR:

I, Dr. Peter Morand, declare and say as follows:

I am a citizen of Canada and reside at 1480 Riverside Drive, Suite 701, Ottawa,
Ontario, Canada K1G 5H2.

I graduated with a Ph.D. degree in chemistry from McGill University (1960);

Thereafter I taught in the Department of Chemistry of the University of Ottawa from
the years 1963-1990;



From the years 1990-1995 I served as President of the Natural Sciences and Engineering Research Council of Canada, the national granting agency that supports research in Canadian universities.

Since 1996 I have been President and CEO of the Canadian Science and Technology Growth Fund (CSTGF), a venture capital fund that invests in the commercialization of the results of early stage research in Canada's science and engineering sectors. CSTGF, with assets of over \$80 million, accesses advanced technologies by working closely with Canada's premier research organizations and with research-intensive universities. CSTGF has used Dr. Bowman's ProGrid methodology to rate projects submitted for funding and found it an excellent screening method when dealing with large numbers of proposals.

For the past four years I have been involved with Inno-centre, a national networked incubator that mentors advanced technology startups. In view of my association with CSTGF and with Inno-centre, I consider myself to have a level of skill greater than the ordinary level of skill in the field of analysis of processes used by consultants, analysts and executives for evaluating intangible assets.

I have reviewed the specification and claims of pending U.S. Patent Application No. 09/240,053 of Dr. Clement Bowman;

I have reviewed U.S. Patent No. 3,628,904 to Jean Francois Canguilhem, "The Managerial Grid" by Blake and Mouton, and the book Competence-Based Competition edited by Hamel;

It is my opinion that a combination of the teachings of the Canguilhem patent, "The Managerial Grid" by Blake and Mouton, and Competence-Based Competition by Hamel would not enable a person of ordinary skill in the art to practice the invention claimed in claims 1-21 of pending U.S. Patent Application No. 09/240,053 of Dr. Clement Bowman;

It is my opinion that the combination of the teachings of the Canguilhem patent, "The Managerial Grid" by Blake and Mouton and Competence-Based Competition by Hamel does not render obvious to a person of ordinary skill in the art the invention claimed in pending claims 1-4 and 6-20 of pending U.S. Patent Application No. 09/240,053 of Dr. Clement Bowman;

The Canguilhem patent does not disclose the importance of measuring the value of intangible factors with respect to independent variables and the equations and computer processes described are therefore not able to perform this key function. Blake identifies the importance of this but does not teach how to carry out the necessary mathematics. Hamel does not demonstrate a quantitative method for measuring factors such as scientific and technical activity. Hamel does not establish first and second independent variables related to the value of a specific intangible asset of interest. In Figure 7.2 and Figure 7.3 in Chapter 7, evaluators create and label grid positions based on conjectural "low" and "high" values. In Chapter 8, Hamel makes use of a five point qualitative scale to better represent the space between low and high values and to help a company to assess where its skill sets can be used to advantage.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patents issuing thereon;

Further declarant saith not.

5 January 2004
Date

Pet Morand
Dr. Peter Morand